IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLIATION NO.1699/06

Shri. Vilas Limbaji Gite .... Applicant

V/s.

The State of Maharashtra .... Respondent

Shri.M.B. Zanwar Adv. for the applicant.
Miss.Rajeshree M Gadhvi APP for the State.

CORAM : V.M. KANADE, J.

DATED : 03/05/06

P.C.:-

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. The applicant was arrested in connection with C.R.No.297/05 registered with Panvel Police Station for the offences punishable U/s.399, 402, of IPC and 37(1) and 135 of Bombay Police Act.

3. It is alleged in the complaint that the police have received information that some persons were going to commit dacoity and that they were likely to come in black colour Scorpio. Accordingly, police led

a trap and present applicant was arrested and keys of said Scorpio were found in his pocket. One chopper was also found with him. Learned Counsel for the applicant submits that the offence U/s.302 was registered on 19/08/2005 and on the very next date complaint for the offence punishable U/s.399 was registered. He submitted that the applicant was released on bail by this court in the complaint which was lodged by the police U/s.302. He submitted that there was no evidence to indicate that the applicant had intention to commit dacoity and merely because chopper was found with him by itself could not prove that he had intention to commit dacoity.

4. Learned APP appearing on behalf of the State invited my attention to the complaint and submitted that there was sufficient evidence to indicate that the applicant was armed with deadly weapon and this specific information was received by the police. In view of that, it itself could not be sufficient for the purpose of detaining the present applicant for the offence punishable U/s.399 and 402 of IPC.

5. Under this circumstance, the applicant be

released on bail in the sum of Rs.5,000/- with one or two sureties in the like amount. The applicant shall report to the Panvel Police Station twice in a month.

6. The applicant shall not tamper with the evidence or threaten the witnesses. If any complaint is received by the Investigating Officer, the Public Prosecutor is at liberty to file an application for cancellation of bail.

7. The Trial Court shall not be influenced by any observations made by this Court while deciding the application and it shall not be construed as an expression of opinion on merits of the case and it shall decide the case on its own merit and in accordance with law.

8. The application is accordingly disposed of.

V.M. KANADE J.